



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Hiroshi YAHATA et al. : **Mail Stop: Petition**
Serial No. 10/552,371 : Attorney Docket No. 2005_1603A
Filed October 7, 2005 :

INFORMATION RECORDING MEDIUM,
AND APPARATUS AND METHOD FOR
RECORDING INFORMATION TO
INFORMATION RECORDING MEDIUM
[Corresponding to PCT/JP2004/005003
Filed April 7, 2004]

PETITION TO MAKE SPECIAL

REQUEST FOR ACCELERATED EXAMINATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petition is hereby made to make the above-identified application special and accelerate examination of the application. As per the requirements of M.P.E.P. §708.02, sub-section VIII, the Applicants provide each of the required items (A) - (E) as follows:

(A) Accompanied with this petition to make special is the required fee set forth in 37 C.F.R. 1.17(h).

(B) In the event that the Patent Office takes the position that all the claims presented are not obviously directed to a single invention, Applicants hereby offer to make an election without traverse.

(C) It is submitted that a preexamination search was made in the Japanese Patent Office for International Application No. PCT/JP2004/005003 of which the present application is a national stage application and the field of search is listed as follows:

- International Classification H04N5/76-5/956, 7/24-7/68, G11B20/10-20/12.

(D) An Information Disclosure Statement (IDS) and form PTO-1449 were submitted to the Patent Office on October 7, 2005 along with copies of the following references deemed most closely related to the subject matter encompassed by the claims:

- JP Publication No. 2003-009086 A;
- JP Publication No. 2002-344888 A; and
- JP Publication No. 2000-324070 A.

(E) The Applicants provide the following detailed discussion of the above-mentioned references which points out how the claimed subject matter of the present application is patentable over the references:

DETAILED DISCUSSION

An outstanding feature of the present invention, as claimed in independent claims 1, 6 and 11, is the constrained format in which a predetermined number of first packets are grouped and managed as a multiplexing unit, and the total data size of first packets managed in the multiplexing unit is smaller than data size of a pack, and a first one of complete audio frames in the multiplexing unit is a first one of audio frames in a payload of a second packet. It is submitted that this feature of the present invention is encompassed within the limitations of independent claims 1, 6 and 11. Furthermore, it is submitted that the above limitation is clearly not anticipated, suggested or rendered obvious by the references listed in section (D) above, for the following reasons.

JP Publication No. 2003-009086 A

This reference discloses a video recording device that is capable of recording information from an analog broadcast mixed with information from a digital broadcast on a recording medium. The video recording device selects either MPEG transport stream or MPEG program

stream as the recording format and records the information in the selected format on the recording medium. The video recording device is therefore able to efficiently utilize the capacity of the recording medium on which the information is recorded.

While the video recording device of JP 2003-009086 is capable of switching between the MPEG transport stream and MPEG program stream recording formats, it is apparent that the video recording device does not disclose or suggest the use of the constrained format as recited in independent claims 1, 6 and 11 of the present application.

JP Publication No. 2002-344888 A

This reference discloses a device that is capable of receiving content in the form of an AV signal, converting the content into an MPEG transport stream, and recording the MPEG transport stream on an information recording medium. However, while the device of JP 2002-344888 does convert content into an MPEG transport stream, it is apparent that the device does not disclose or suggest the use of the constrained format as recited in independent claims 1, 6 and 11 of the present application.

JP Publication No. 2003-324070 A

This reference discloses a method for converting a data file having a first format to a data file having a second format. The method includes generating a table file that can be used to extract compressed data which are common between the first and second formats. However, while the method of JP 2003-324070 does convert data files between two formats, it is apparent that the method does not disclose or suggest the use of the constrained format as recited in independent claims 1, 6 and 11 of the present application.

In view of the foregoing, since the Applicants have provided each of the necessary items (A) - (E) identified above, the Applicants respectfully request that this petition to make the application special be granted and examination of the application be accelerated.

Moreover, for at least the reasons found in item (E) above, it is submitted that the present application is clearly allowable over the prior art of record.

In the event, however, that the Examiner has any comments or suggestions of a nature to place the application in condition for allowance, the Examiner is kindly requested to contact Applicant's undersigned Attorney by telephone to promptly resolve any such matters.

Respectfully submitted,

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